

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on June 30, 2003, and the references cited therewith.

Claims 2, 19, 21, 28 and 31 are amended and claims 41-42 are added; as a result, claims 1-7, 19-24, 27-35 and 37-42 are now pending in this application.

§112 Rejection of the Claims

Claim 40 was rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant respectfully traverses.

§102 Rejection of the Claims

Claims 19, 21, 22, 24, 27-35, 37 and 38 were rejected under 35 USC § 102(b) as being anticipated by Rasmussen et al. (4,310,036). Applicant respectfully traverses. Rasmussen provides a tunnel cleanout mechanism that pushes feed from the entire tunnel, rather than compressing feed in the upper tunnel so that more feed can be pushed there by the primary compression mechanism. Further, Rasmussen cannot operate their cleanout mechanism during operation of the primary compression mechanism, since feed would wedge behind the plate in its pushed-out position, preventing it from withdrawing, preventing feed from extruding into the bag, and defeating its purpose. The claims of the present application appear in condition for allowance, and reconsideration and withdrawal of the rejection is respectfully requested.

§103 Rejection of the Claims

Claims 20 and 23 were rejected under 35 USC § 103(a) as being unpatentable over Rasmussen et al. (4,310,036) in view of Goar (3,881,407). Neither reference provide the increased compression of feed in the upper bag during operation of the primary compression mechanism. The claims of the present application appear in condition for allowance, and reconsideration and withdrawal of the rejection is respectfully requested.

Claim 39 was rejected under 35 USC § 103(a) as being unpatentable over Rasmussen et al. (4,310,036). Rasmussen et al. do not provide the increased compression of feed in the upper bag during operation of the primary compression mechanism. The claims of the present application appear in condition for allowance, and reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-3 and 40 were rejected under 35 USC § 103(a) as being unpatentable over Rasmussen et al. (4,310,036) in view of Goth (6,379,086). Neither reference provide the increased compression of feed in the upper bag during operation of the primary compression mechanism. The claims of the present application appear in condition for allowance, and reconsideration and withdrawal of the rejection is respectfully requested.

Claim 4 was rejected under 35 USC § 103(a) as being unpatentable over Rasmussen et al. (54,310,036) in view of Goth (6,379,086). Neither reference provide the increased compression of feed in the upper bag during operation of the primary compression mechanism. The claims of the present application appear in condition for allowance, and reconsideration and withdrawal of the rejection is respectfully requested.

Allowable Subject Matter

Claims 5-7 were allowed.

Claim 33 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

New claims 41-42 have been added to more fully describe the claimed invention.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 09/977036

Filing Date: October 11, 2001

Title: AGRICULTURAL BAGGER WITH UPPER TUNNEL COMPACTION AND CHUTE AGITATION

Page 12

Dkt: 671.003US1

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6949 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 30 Sept 2003

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 30 day of September, 2003

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Signature